

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION

This document applies to:

ETHICON WAVE 10 CASE

***Lauri Bell and Terrill Bell v. Ethicon, Inc.,
Ethicon, LLC and Johnson & Johnson
Case No. 2:13-cv-5389***

Master File No. 2:12-MD-02327
MDL 2327

JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE

**NOTICE OF ADOPTION OF PRIOR *DAUBERT* MOTION TO EXCLUDE GENERAL-
CAUSATION TESTIMONY OF BRIAN RAYBON, M.D. FOR WAVE 10**

Defendants hereby adopt and incorporate by reference the *Daubert* motion challenging the general-causation opinion testimony of Brian Raybon, M.D., filed in Ethicon Wave 1, Dkt. 2115 (motion) and Dkt. 2116 (memorandum in support).¹ Defendants respectfully request that the Court exclude Dr. Raybon's general-causation testimony for the reasons expressed in the Wave 1 briefing and, as to his warnings opinions, to exclude them for the additional reason that Dr. Raybon lacks the "additional expertise" required to give those opinions as found by this Court in *In re: Ethicon, Inc. Pelvic Repair Sys. Prod. Liab. Litig.*, MDL No. 2327, 2016 WL 4536876, at *3 (S.D.W. Va. Aug. 30, 2016) (excluding Dr. Raybon's opinions about "what

¹ Plaintiffs' expert disclosure is vague, designating "Dr. Brian Raybon's Expert Reports . . . already . . . served in this MDL." Ex. A, Pls.' Disclosure at 2. Given that Plaintiff Lauri Bell's case involves Prolift+M and TVT-O, Defendants assume Plaintiffs are referencing Dr. Raybon's Wave 1 report on Prolift+M. To the extent Plaintiffs also rely upon Dr. Raybon's Wave 2 report on Prolift, Defendants also incorporate the arguments raised in prior motions and briefing specific to that report.

information should or should not be included in an IFU” because he “does not possess the additional expertise to offer expert testimony about what an IFU should or should not include”).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this day, I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

/s/ William M. Gage
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